UNITED STATES PATENT AND TRADEMARK OFFICE

NOTICE OF ALLOWANCE AND FEE(S) DUE

26371   7590   06/12/2009

FOLEY & LARDNER LLP
777 EAST WISCONSIN AVENUE
MILWAUKEE, WI 53202-5306

EXAMINER
ABEDIN, SHANTO

ART UNIT	PAPER NUMBER
2436	

DATE MAILED: 06/12/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,013	01/18/2002	David Kammer	035451-0170 (3708.PALM)	2103

TITLE OF INVENTION: LOCATION BASED SECURITY MODIFICATION SYSTEM AND METHOD

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	$1510	$300	$0	$1810	09/14/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

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PTOL-85 (Rev. 08/07) Approved for use through 08/31/2010.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: <u>Mail</u>

Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

or <u>Fax</u> (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

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Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission
I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

_____ (Depositor's name)

_____ (Signature)

_____ (Date)

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nonprovisional	NO	$1510	$300	$0	$1810	09/14/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
ABEDIN, SHANTO	2436	713-201000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 _____

2 _____

3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE   (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

☐ Issue Fee

☐ Publication Fee (No small entity discount permitted)

☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): **(Please first reapply any previously paid issue fee shown above)**

☐ A check is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____   Date _____

Typed or printed name _____   Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 753 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 753 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

	Application No.	Applicant(s)
Notice of Allowability	10/053,013	KAMMER ET AL.
	Examiner	Art Unit	
	SHANTO M. ABEDIN	2436	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *the communication filed on 03/27/2009*.

2. ☒ The allowed claim(s) is/are *1-10,12-14,18-25,27,30,31,35-48 and 50-53*.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some*   c) ☐ None   of the:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

        3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the

           International Bureau (PCT Rule 17.2(a)).

    * Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

   (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

      1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____ .

   (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of

      Paper No./Mail Date _____ .

   Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application

6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____ .

/SHANTO M ABEDIN/
Examiner, Art Unit 2436

DETAILED ACTION

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in 37

CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for

continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been

timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR

1.114. Applicant's submission filed on 03/27/2009 has been entered.

2.   The prior office actions are incorporated herein by reference. In particular, the observations

with respect to claim language, and response to previously presented arguments.

3.   Claims 1-10, 12-14, 18-25, 27, 30-31, 35-48 and 50-53 are pending in the application.

4.   Claims   1-10, 12-14, 18-25, 27, 30-31, 35-48 and 50-53 are allowed.

RESPONSE TO ARGUMENTS

5.   The applicant's arguments regarding 35 USC 103(a) type rejections are fully considered,

and found persuasive, therefore, the previous 35 USC 103 (a) type rejections are withdrawn.

EXAMINER'S AMENDMENT

6.   An examiner's amendment to the record appears below. Should the changes and/ or

additions be unacceptable to the applicant, an amendment may be filed as provided by 37 CFR

1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the

payment of the issue fee. Authorization for this examiner's amendment was given in a telephone

interview with the applicant's representative Mr. Steven C Becker on June 04, 2009.

Claims 1, 18, 30 and 38 have been amended as follows:

Claim 1. (Currently Amended) A method of adjusting security for a network user node in wireless communication with a network based upon the location of the node, comprising:

storing a table comprising a plurality of security settings indexed by location in the memory of the network user node;

determining the location of a network user node;

selecting a single level of security from the plurality of security levels settings stored in the table based on the determined location, wherein at least one of the plurality of security levels is a default security level setting selected based at least on a determination that the table does not have a location corresponding to the determined location or based at least on the location of the network user node being unknown; and

modifying a security protection for the network user node based upon the selected level of security, wherein the step of modifying the security protection for the network user node includes modifying a data encryption parameter to change whether wireless data transmitted by the network user node will be encrypted,

wherein the determined location and the security protection for the network user node are updated repeatedly.

Claim 18. (Currently Amended) A computer system for modifying security settings for wireless communications with a network user node based on the location of the node comprising:

an input device having a communicative coupling with a system for determining the location of a network user node;

a storage device for storing a table of security modifications to be performed based on a plurality of locations for the network user node, the security modifications including a plurality of levels, the security modifications being defined by a user of the network user node;

a processor configured to select a data encryption parameter based on the location and the table of security modifications to change whether wireless data transmitted by the computer system to the user node will be encrypted, <u>wherein the processor is configured to select a default security setting if the location is not determined</u>; and

a communication device capable of transmitting a data signal to the network user node based on the selected data encryption parameter;

wherein the location of the network user node and the security protection for the network user node are updated repeatedly.

Claim 30. (Currently Amended) A method of adjusting security for a network user node having a processor, a memory coupled to the processor, a wireless transceiver, and a physical location determining device, wherein the network user node is in communication with a network based upon the physical location of the node, comprising:

storing a table comprising selectable encryption levels indexed by location for each of a plurality of locations in the memory of the network user node;

receiving physical location information using a network user node;

using the network user node to set security protection for wireless data communication to a default encryption level based at least on a determination that the table does not have a location corresponding to the received physical location or based at least on the location of the network user node being unknown; and

using a network user node to modify security protection for wireless data communication to an encryption level selected from the selectable encryption levels based upon the physical location information;

wherein the table is configurable by a user of the network user node; and

wherein the physical location information and the security protection for the network user node are updated repeatedly.

Claim 38. (Currently Amended) A system implemented on a network user node for modifying security settings based on the physical location of the node comprising:

a system for determining the physical location of the network user node coupled to the network user node;

a processor for processing information, storing information on a storage device, and accessing a table of security modifications, the table configured to store security modifications for more than two physical locations; and

a storage device for storing the table of security modifications;

wherein the network user node performs security modifications based on the physical

location of the network user node, wherein the security modifications comprise modifying a data

encryption parameter to change whether wireless data transmitted by the network user node will be

encrypted , wherein a default security setting is selected based at least on a determination that the

table does not have a location corresponding to the received physical location or based at least on

the location of the network user node being unknown; and

wherein the physical location and the performance of security modifications for the

network user node are updated repeatedly.

EXAMINER'S REASONS FOR ALLOWANCE

7.   The following is an examiner's statement of reasons for allowances:

Independent claim 1 is patentable over the cited prior arts because they do not anticipate

nor fairly and reasonably teach a method of adjusting security for a network user node comprising

storing a table comprising a plurality of security settings indexed by location in the memory of the

network user node; and selecting a single level of security from the plurality of security settings

stored in the table based on the determined location, wherein at least one of the plurality of

security levels is a default security setting selected based at least on a determination that the table

does not have a location corresponding to the determined location or based at least on the location

of the network user node being unknown; and modifying a security protection for the network user

node based upon the selected level of security, wherein the step of modifying the security

protection for the network user node includes modifying a data encryption parameter to change

whether wireless data transmitted by the network user node will be encrypted; and wherein the

determined location and the security protection for the network user node are updated repeatedly.

     Independent claim 18 is patentable over the cited prior arts because they do not anticipate

nor fairly and reasonably teach a computer system comprising storing a table of security

modifications to be performed based on a plurality of locations for the network user node, the

security modifications including a plurality of levels, the security modifications being defined by a

user of the network user node; selecting a data encryption parameter based on the location and the

table of security modifications to change whether wireless data transmitted by the computer system

to the user node will be encrypted, wherein the processor is configured to select a default security

setting if the location is not determined; and transmitting a data signal to the network user node

based on the selected data encryption parameter; and wherein the location of the network user

node and the security protection for the network user node are updated repeatedly.

     Independent claims 30 and 38 are patentable over the cited prior arts because they do not

anticipate nor fairly and reasonably teach a method/ system comprising storing information on a

storage device, and accessing a table of security modifications, the table configured to store

security modifications for more than two physical locations; and wherein the network user node

performs security modifications based on the physical location of the network user node, wherein

the security modifications comprise modifying a data encryption parameter to change whether

wireless data transmitted by the network user node will be encrypted , wherein a default security

setting is selected based at least on a determination that the table does not have a location

corresponding to the received physical location or based at least on the location of the network

user node being unknown; and wherein the physical location and the performance of security

modifications for the network user node are updated repeatedly.

In particularly, regarding the independent claims, patentability exists, at least in part, with

the recitation of security modification is defined, or performed, or configured by the user node, and

security setting table includes plurality of security settings including a default security, and

encryption level associated with the plurality of locations ; and selectively updating, or modifying

the security protection or level for the user node repeatedly.

Dependent claims are allowed because of their dependency on the allowable independent

claims.

CONCLUSION

8.   Claims   1-10, 12-14, 18-25, 27, 30-31, 35-48 and 50-53 are patentable.

9.   Any comments considered necessary by applicant must be submitted no later than the

payment of the issue fee and, to avoid processing delays should be clearly labeled "Comments on

Statement of Reasons for Allowance."

10.   Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Shanto M Z Abedin whose telephone number is 571-272-3551. The

examiner can normally be reached on M-F from 10:00 AM to 6:30 PM. If attempts to reach the

examiner by telephone are unsuccessful, the examiner's supervisor, Moazzami Nasser, can be

reached on 571-272-4195. The fax phone number for the organization where this application or

proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shanto M Z Abedin

Examiner, A.U. 2436

/Nasser G Moazzami/

Supervisory Patent Examiner, Art Unit 2436